

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LEON DUGGAN

Plaintiff,

- against -

LOCAL 638, ENTERPRISE ASSOCIATION
OF STEAM, HOT WATER, HYDRAULIC,
SPRINKLER, PNEUMATIC TUBE, ICE
MACHINE, AIR CONDITIONING AND
GENERAL PIPEFITTERS,

Defendants.

**MEMORANDUM AND
ORDER**

10-CV-3545

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 11 2011 ★

BROOKLYN OFFICE

JACK B. WEINSTEIN, Senior United States District Judge:

Plaintiff Leon Duggan asserts claims pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000 et seq., the Civil Rights Act of 1866, as amended, § 1981, the New York State Executive Law (Human Rights Law § 296), and the Administrative Code of the City of New York, §§8-107.1(a) et seq.

Defendants move for summary judgment. It is granted for the reasons stated orally at the hearing of August 9, 2011. *See Transcript.*

Plaintiff has defaulted by failing to appear at oral argument. Totally inadequate papers are submitted in opposition to defendants' motion.

Plaintiff seeks an order of contempt for violation of an Order and Judgment made in the Southern District of New York. This request should have been made in that district. Although this court could transfer the motion to that district, the papers in this, and prior actions by plaintiff, demonstrate that there is no evidence to support the motion. Transfer would place an unnecessary burden on the Southern District of New York.

Plaintiff has failed to meet his burden of proving that there was a "hiring hall," a central contention of his case.

Based on plaintiff's two previous suits, his claims are barred by the doctrine of *res judicata*.

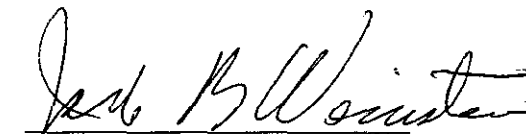
Plaintiff's motion to strike all affidavits submitted by defendants is denied. They are appropriate documents supporting defendants' motion.

Plaintiff's case is frivolous. It is dismissed on the merits.

Defendants' counter-claim for an injunction against further suits by plaintiff is denied. It contradicts the policy of the courts to remain open to all.

Plaintiff's repeated duplicative litigations have become harassing and unduly burdensome. Costs and disbursements are awarded against plaintiff in favor of defendants. The Clerk of the Court is directed to enter judgment in favor of defendants and to close the case.

SO ORDERED.



Jack B. Weinstein
Senior United States District Judge

Date: August 9, 2011
Brooklyn, New York